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Respond to NJ ☐

NY ☒

BY ECF and REGULAR MAIL

Honorable Louis L. Stanton, U.S.D.J.
S.D.N.Y.
500 Pearl Street, Room 2250
New York, N.Y. 10007

June 5, 2014

Re: **Lora et al. v. J.V. Car Wash;**
No. 11-Civ.-9010(LLS)

Dear Judge Stanton:

I am submitting this letter in response to that of June 4, 2014 from Laura Longobardi, Esq. ("Longobardi"), attorney for plaintiffs in the above-captioned matter.

Although, as the Court is well aware from the prior history of this matter, I am counsel of record not only to the defendant car washes ("Car Washes"), but for the individual defendants, Jose Vazquez ("Vazquez"), and the Car Wash managers, Saturnino Vargas ("Vargas") and Jose Jimenes ("Jimenes") [hereinafter, collectively, the "Defendants"].

Recently, a Trustee ("Trustee") has been appointed by the United States Bankruptcy Court for the District of New Jersey for both the Defendant Car Washes, as well as for Mr. Vazquez, individually. Consequently, having not been retained by the Trustee for the Defendant Car Washes, or for Mr. Vazquez, I no longer am authorized by any of the Defendants to appear on their behalf, nor for that matter to engage in any activity on their behalf be it in this proceeding or otherwise.

As the Court may recall from prior conferences and correspondence from the undersigned, my representation of Messrs. Vargas and Jimenes is, in my opinion, on an attenuated basis strictly in their capacities as employees of the Car Washes. The Court may also recall my reserving my right to withdraw as counsel to the two managers until such time as I had an opportunity to

June 5, 2014

Page 2

interview either or both of them in preparation of their depositions so that I might make a decision as to whether there was a possible conflict of interest especially in light of having assumed representation of all Defendants in this matter on the eve of trial in July of last year. For reasons not germane to the instant conversation, I have been unsuccessful in my many attempts to meet with either Mr. Vargas or Mr. Jimenes.

As such, although mindful of the Court's most recent scheduling order, as well as Ms. Longobardi's missive, I do not believe I am any longer empowered to participate in this matter since neither of the Trustees have retained my services. As to Messrs. Vargas and Jimenes, my participation necessarily would cause me to inadvertently be performing services for, and on behalf of, the other Defendants; something for which I am precluded.

Given the foregoing, I am alerting the Court to this situation since, unless otherwise directed by your Honor, I have no intention of any further participation in this matter unless retained by one or both of the respective Trustees. As such, my de facto withdrawal, for want of a better expression, may cause the Court's scheduling orders to be adversely impacted, for which I apologize in advance.

By electronic copy hereof, I am alerting, among others, the respective attorneys for the two Trustees, Donald V. Biase for the Car Washes, and Donald F. Conway for Mr. Vazquez. Thank you once again for your indulgence in this matter and your attention.

N.Y., N.Y.

Yours, etc.,

/s/ _____
Louis J. Maione, Esq.

cc: Daniel M. Stolz, Esq., Atty. for Mr. Biase
Stacy L. Meisel, Esq., Atty. for Mr. Conway
Laura E. Longobardi, Esq.
Russel Passamano, Esq. (Bankruptcy Counsel to Car Washes)
Ralph Ferro, Jr., Esq. (Bankruptcy Counsel to Mr. Vazquez)
Jose L. Vazquez